



3676

HDP/SB/21 based on PTO/SB/21 (08-00)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/998,483
Filing Date	November 30, 2000
First Named Inventor	Oprea Duta et al.
Group Art Unit	3676
Examiner Name	Alison K. Pickard
Attorney Docket Number	3196-000161

Total Number of Pages in This Submission	5
--	---

RECEIVED
OCT 28 2003
GROUP 3600

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return postcard
Remarks		The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Michael E. Hilton	Reg. No.	33,509
Signature					
Date	22 - OCT - 2003				

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

Typed or printed name	Michael E. Hilton		
Signature		Date	22 - OCT - 2003



#4 Elec.
8-19
10/31/03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/998,483

Filing Date: November 30, 2001

Applicant: Oprea Duta et al.

Group Art Unit: 3676

Examiner: Alison K. Pickard

Title: OIL SEAL JOURNAL TEXTURING AND METHOD THEREOF

Attorney Docket: 3196-000161

RECEIVED
OCT 28 2003
GROUP 3600

Mail Stop Non-Fee Amendment
Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed September 24, 2003, please consider the following:

The Examiner has required restriction under 35 U.S.C. § 121 to one of the following inventions:

- I. Claims 2-8, drawn to a method of texturing a shaft, classified in class 72, subclass 53;
- II. Claims 1 and 9-16, drawn to (at least) a shaft with seal area, classified in class 277, subclass 559.

The Examiner concludes that the inventions are distinct since the product

as claimed can be made by another and materially different process. In support of this assertion, the Examiner states: "[i]n the instant case the bumps on the shaft surface can be made by means other than shot peening, such as by molding."

Although the Examiner's statement is correct, the claims of Group I (e.g. Claim 2) do not require a process that relies on shot peening. In fact, the claims of Group II would read upon molding bumps on the shaft surface. Thus, the basis provided by the Examiner for the distinctiveness of these inventions is wholly without merit.

Applicants further respectfully submit that the claims of the two designated groups have not acquired a separate status in the art, notwithstanding possible different classifications which may be artificially assigned. Art very relevant to the patentability of the Group I claims might very logically be found in the art class assigned by the Examiner to Group II. Likewise, art very relevant to the patentability of the Group II claims might easily be found in the classification assigned by the Examiner to the Group I claims. Furthermore, art relating to the patentability of both groups of claims might easily be found within a number of additional art classifications.

In short, the classifications cited to support restriction are merely for cataloging purposes and are not conclusive of the propriety of restriction. It is submitted that the claims of the two groups designated by the Examiner are closely inter-related and in order to preserve unity of invention, both groups should be prosecuted in the same application. An important advantage in pursuing just one application is that the examination work of the Patent Office would thereby be simplified in as much as duplication of searching effort would be eliminated. Thus, restricting the application as

suggested by the Examiner would increase searching effort rather than reduce it. Accordingly, search and examination can be made without serious burden, and, therefore, the Examiner must examine this application on the merits, even if the claims are independent and distinct (MPEP 803).

In view of the foregoing remarks, it is respectfully requested that the Examiner withdraw his requirement for restriction and allow the claims of Group I (Claims 2-8) to be prosecuted in the same application as the claims of Group II (Claims 1 and 9-16). In the event that the Examiner's restriction requirement is made final, Applicants provisionally elect the claims of Group II (Claims 1 and 9-16) for continued prosecution, holding the claims of Group I (Claims 2-8) in abeyance under the provisions of 37 CFR 1.142(b) until final disposition of the elected claims.

CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this Response is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 22 - OCT - 2003

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600
MEH/kq

By: 
Michael E. Hilton, Reg. No. 33,509